

1290 Avenue of the Americas  
New York NY 10104  
212.390.9000

Sean Baldwin  
Partner  
212.390.9007  
sbaldwin@selendygay.com

December 13, 2024


**Via ECF**

Honorable Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, NY 10007

By no later than January 27, 2025, Plaintiff shall submit a letter brief with the Court explaining why the sealing of Dkt. 89-1 is justified under the standard set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). See, e.g., *Rouviere v. Howmedica Osteonics Corp.*, 645 F. Supp. 3d 157, 163 n.3 (S.D.N.Y. 2022) ("A party seeking to seal material subject to [a] protective order must . . . justify why the presumption of public access over judicial documents should be overcome." (citation omitted)).

Dated: January 6, 2025  
New York, New York

**SO ORDERED.**

  
**JENNIFER L. ROCHON**  
United States District Judge

**Re: *Shunock v. Apple Inc.*, No. 1:23-cv-08598-JLR-SLC**

Dear Judge Rochon,

Plaintiff Dr. Michael Shunock writes pursuant to Rule 4.B.iii of Your Honor's Individual Rules of Practice to request that the Court grant Plaintiff leave to file Exhibit 1, Plaintiff's Markman Hearing Presentation, which was presented to the Court during the Markman Hearing on December 12, 2024. On April 29, 2024, the Court signed and published the Parties' Protective Order, ECF No. 35. Under the Protective Order, Plaintiff and Defendant agreed to file documents marked "CONFIDENTIAL" and "CONFIDENTIAL – ATTORNEYS' EYES ONLY" under seal. Protective Order § 14. Because Exhibit 1 contains material designated by Defendant as "CONFIDENTIAL – ATTORNEYS' EYES ONLY" and "CONFIDENTIAL", Plaintiff respectfully requests that the Court grant Plaintiff leave to file the Exhibit under seal, and any such further relief that the Court deems just and proper.

Plaintiff is also filing – unsealed – Exhibit 2, Supplemental Guidance for Examination of Design Patent Applications Related to Computer-generated Electronic Images, which was similarly presented to the Court during Plaintiff's December 12, 2024 Markman Hearing Presentation.

Sincerely,

/s/ Sean Baldwin  
Sean Baldwin  
Partner